



**US Army Corps  
of Engineers®**  
New England District

696 Virginia Road  
Concord, MA 01742-2751

# 15 DAY PUBLIC NOTICE

**Date: April 3, 2003**

**Comment Period Ends: April 18, 2003**

**File Number: 200300238/200300589**

**In Reply Refer To: Stephen D. DiLorenzo**

**Or by e-mail: Stephen.d.dilorenzo@usace.army.mil**

**THIS IS A JOINT 15 DAY PUBLIC NOTICE FOR PETTIS BOAT YARD, 1 BAY LAND AVENUE, WARWICK, RI AND MARINA REALTY, INC., APPONAUG HARBOR MARINA, WARWICK, RHODE ISLAND**

**Pettis Boat Yard (200300238), 1 Bay Land Avenue, Warwick, Rhode Island 02888 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to dredge an area of approximately 78,000 square feet to -4.5' mean low water. The dredging will remove approximately 7,100 cubic yards of sediments by mechanical means with the sediments disposed of at the CAD cell that is located at the upper of the Providence River in Providence, Rhode Island. This project is shown on the attached plans entitled "PETTIS BOAT YARD".**

**The dredging portion of this project will impact approximately 78,000 SF of Essential Fish Habitat (EFH) for species and life stages located on sheets 4 and 5. Habitat at this site can be described as mud, sand and silt. Loss of this habitat may adversely affect species habitat or species shown on sheets 4 and 5; however the District Engineer has made a preliminary determination that the site-specific adverse effect can be managed to avoid or minimize adverse impacts to EFH and managed species. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.**

**The disposal of the dredged material is proposed for the CAD cells located in the upper reach of the Providence River and shown on sheet 8. This is an open water site, which provides Essential Fish Habitat that is described on sheets 4 and 5. Loss of this habitat may adversely affect habitat or species located on sheets 4 and 5; however the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.**

**The purpose of the dredging is to remove material that has accumulated within the dock and slip areas and along the shoreline from years of siltation in order to provide safe access to boat slips.**

**This project is located on the USGS PROVIDENCE, RI quadrangle sheet at UTM coordinates 46250500 N and 302000 E.**

**Marina Realty, Inc. (200300589), 17 Arnolds Neck Drive, Warwick, Rhode Island 02886 has requested a Corps of Engineers permit under Section 10 of the Rivers and Harbors Act of 1899, and Section 404 of the Clean Water Act to dredge an area of approximately 110,000 square feet to -5.0' mean low water. The dredging will remove approximately 4,700 cubic yards by mechanical means with the sediments disposed of at the CAD cell located at the upper of the Providence River in Providence, Rhode Island. This project**

is shown on the attached plans entitled “MARINA REALTY, INC., APPONAUG HARBOR MARINA, WARWICK, RHODE ISLAND”.

The dredging portion of this project will impact approximately 110,000 SF of Essential Fish Habitat (EFH) for species and life stages located on sheets 6 and 7. Habitat at this site can be described as mud, sand and silt. Loss of this habitat may adversely affect species habitat or species shown on sheets 6 and 7; however the District Engineer has made a preliminary determination that the site-specific adverse effect can be managed to avoid or minimize adverse impacts to EFH and managed species. . Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The dredged material disposal is proposed for the CAD cells located in the upper reach of the Providence River and shown on sheet 8. This is an open water site, which provides Essential Fish Habitat that is described on sheets 4 and 5. Loss of this habitat may adversely affect habitat or species located on sheets 4 and 5; however the District Engineer has made a preliminary determination that the site-specific adverse effect will not be substantial. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

The purpose of the dredging is to restore adequate depths for navigating small boats in and out of Apponaug Harbor Marina. It will also accommodate two new docks with additional slips that are authorized under a Corps permit.

This project is located on the USGS EAST GREENWICH, RI quadrangle sheet at UTM coordinates 46180500 N and 29600 E.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. Comments should be submitted in writing by the above date. If you have any questions, please contact Stephen D. DiLorenzo, Senior Project Manager, at (978) 318-8373, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public

comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

**SEE NEXT PAGE FOR  
DETAILS OF EVALUATION  
FACTORS**

**Robert J. DeSista  
Chief, Permits & Enforcement Branch  
Regulatory Division**

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity in the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties listed in, or eligible for listing in, the National Register of Historic Places, and no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.

Pursuant to the Endangered Species Act, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice.

The following authorizations have been applied for, or have been, or will be obtained:

- (x) Permit, License or Assent from State.
- ( ) Permit from Local Wetland Agency or Conservation Commission.
- (x) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved Coastal Zone Management Programs. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**

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If you would prefer not to continue receiving public notices, please check here ( ) and return this portion of the public notice to: U.S. Army Corps of Engineers – New England District, ATTN: Regulatory Branch, 696 Virginia Road, Concord, MA 01742-2751.

NAME:

ADDRESS:

## Summary of Essential Fish Habitat (EFH) Designation

### 10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 50.0' N	71° 20.0' W	41° 40.0' N	71° 30.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** The waters within the square within the Providence River, within Narragansett Bay, affecting all cities, towns, and features within or adjacent to it, from Nayatt Pt. and south of Nayatt, RI., north, as well as from Warwick Pt. north. Also, these waters affect within and around Greenwich Bay, northeast of East Greenwich, RI., and north of Sally Rock Pt. on Potowomut Neck, and all other towns, cities, and features within or adjacent to those waters including Apponaug Cove, Buttonwoods Cove, Brush Neck Cove, and Warwick Cove.

Species	Eggs	Larvae	Juveniles	Adults
haddock ( <i>Melanogrammus aeglefinus</i> )		X		
red hake ( <i>Urophycis chuss</i> )		X	X	X
redfish ( <i>Sebastes fasciatus</i> )	n/a			
winter flounder ( <i>Pseudopleuronectes americanus</i> )	X	X	X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )		X	X	X
Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X

bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a		
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a		
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )		X	X	X
scup ( <i>Stenotomus chrysops</i> )	X	X	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a		X	X
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a		
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a		
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a		
king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X

## Summary of Essential Fish Habitat (EFH) Designation

### 10' x 10' Square Coordinates:

Boundary	North	East	South	West
Coordinate	41° 40.0' N	71° 20.0' W	41° 30.0' N	71° 30.0' W

**Square Description (i.e. habitat, landmarks, coastline markers):** Waters within the square within Narragansett Bay affecting the following: south of Rhode I., including the western half of the East Passage the West Passage, and the northern half of Conanicut Island. Also affected are: Calf Pasture Pt., Allen Harbor, Davisville Depot, Sauga Pt. and Poplar Pt. on Fishing Cove east of Wickford, RI., Lone Tree Pt., Wild Goose Pt., Fox I., Bissel Cove, Rome Pt, Green Pt., Plum Beach east of Barber Heights, RI., Casey Pt., Saunderstown, RI., and Dutch I., all on the mainland, and on Conanicut I., from Sand Pt., south to Jamestown, RI., west of the island along with Potter Cove and Taylor Pt. northeast of Jamestown, RI. on the east side of the island. Other important areas affected: National Estuarine Sanctuaries around Hope I., Despair I., and Gooseberry I., and around the northwest portion of Prudence I., including Potter Cove, Gull Pt., Bear Pt., Providence Pt., Coggeshall Cove, Sheep Pen Cove, and Pine Hill Pt. Also affected are, Patience I. and the very tip of Warwick Pt. on Warwick Neck, south of Warwick, RI., the waters within and around Greenwich Cove east of East Greenwich, RI., and waters around Potowomut Neck on Greenwich Bay, including on the Potowomut River" Sandy Pt., Marsh Pt., Pojac Pt., and Bluff Pt, the Potowomut River, Tibbets Creek, Mount View, RI., Cold Spring Rock, Round Rock, Hunt Ledge, and Flat Rock, Old Seargent, and the Annaquatacut River.

Species	Eggs	Larvae	Juveniles	Adults
haddock ( <i>Melanogrammus aeglefinus</i> )		X		
red hake ( <i>Urophycis chuss</i> )		X	X	X
redfish ( <i>Sebastes fasciatus</i> )	n/a			
winter flounder ( <i>Pseudopleuronectes americanus</i> )	X	X	X	X
windowpane flounder ( <i>Scopthalmus aquosus</i> )	X	X	X	X
American plaice ( <i>Hippoglossoides platessoides</i> )		X	X	X

Atlantic sea herring ( <i>Clupea harengus</i> )		X	X	X
bluefish ( <i>Pomatomus saltatrix</i> )			X	X
long finned squid ( <i>Loligo pealei</i> )	n/a	n/a		
short finned squid ( <i>Illex illecebrosus</i> )	n/a	n/a		
Atlantic mackerel ( <i>Scomber scombrus</i> )	X	X	X	X
summer flounder ( <i>Paralichthys dentatus</i> )		X	X	X
scup ( <i>Stenotomus chrysops</i> )	X	X	X	X
black sea bass ( <i>Centropristus striata</i> )	n/a		X	X
surf clam ( <i>Spisula solidissima</i> )	n/a	n/a		
ocean quahog ( <i>Artica islandica</i> )	n/a	n/a		
spiny dogfish ( <i>Squalus acanthias</i> )	n/a	n/a		
king mackerel ( <i>Scomberomorus cavalla</i> )	X	X	X	X
Spanish mackerel ( <i>Scomberomorus maculatus</i> )	X	X	X	X
cobia ( <i>Rachycentron canadum</i> )	X	X	X	X
sand tiger shark ( <i>Odontaspis taurus</i> )		X		

